IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1097 OF 2007
IN
SUIT NO.465 OF 1998

M/s.Sajjan Udyog Export Ltd. ...Plaintiff

Versus

Sitalakshmi Mills Ltd & Ors. ...Defendants

Shri M.L.Chaturvedi for the Plaintiff.
Shri H.S.S. Murthy for the Defendant No.1.
Shri E. Meneges i/by Mulla & Mulla for the Defendant Nos.2 and 3.

CORAM : ABHAY S.OKA, J.
DATED : JULY 23, 2007.

P.C.:

. Not on board. Taken on board.

1. The Chamber Summons is taken up for hearing. The prayer in the Chamber Summons is for taking the written statement of the first Defendant by condoning the delay of eight years. The Chamber Summons is opposed by the learned counsel appearing for the Plaintiff.

2. Considering the ground set out in the affidavit in support, the Chamber Summons deserves to be made absolute subject to condition that the first Defendant shall pay costs to the Plaintiff. The amount of costs

is quantified at Rs.10,000/-.

3. Chamber Summons is made absolute in terms of prayer clauses (a) and (b) subject to condition that the first Defendant will pay costs of Rs.10,000/- to the Plaintiff within a period of six weeks from today. The payment of costs will be a condition precedent and if compliance is not made within the stipulated time, Chamber Summons will stand dismissed without further reference to the Court.

JUDGE